

SAN LUIS OBISPO CUESTA COLLEGE NURSING PROGRAM

The San Luis Obispo Cuesta College Board of Trustees and President are required to respond to all findings and recommendations

Grand Jury Finding 1 There are more applicants than there are spaces for students in the Associate Degree Nursing (ADN) Program at Cuesta College (See Appendix A).

Response: The Nursing program has tracked and evaluated student performance every year since the changed admission procedures were implemented. When Cuesta College and several other colleges experienced higher than normal student attrition and a decline in the number of students completing the first year successfully and attaining the Associate Degree Nursing (ADN), the faculty and Director developed supplementary academic support courses into which they advised academically struggling students to enroll. The Director of Nursing, Mary Parker, and seven other directors appealed to California Community College Chancellor Tom Nussbaum to convene a State taskforce and conduct a study about causes of attrition and predictors of success. Therefore, since 1998-1999, Director Parker has been one of three nursing program directors to serve on the State taskforce. The Chancellor's Office funded a study about causes for attrition and predictors of success for students seeking to enter the Registered Nursing program. The results of the study were not finalized and released publicly until July 16, 2003. In his "Advisory on Use of 'Model Prerequisites' for Enrollment in Associate Degree Nursing Programs (ADI)," Chancellor Nussbaum advises the State and colleges to use a multi-part strategy.

Grand Jury Finding 2 Before 1997, Cuesta College evaluated each applicant individually and gave points for academic achievement, performance at an interview, references and a few other factors. Cuesta College then admitted applicants with the highest point totals.

Response: In addition to the Nursing Program faculty and College Administration's increasing concern about the decrease in student completion, the Board of Trustees has become increasingly concerned and has received annual reports about the results of the Nursing program since 2000. In July 2002, immediately upon receipt of information stating it was legally feasible to make changes to the process, the Board of Trustees gave direction to discontinue the current admission process and develop a revised process that incorporates grades in those courses that the California study on predictors of success in nursing identified as high indicators of success. At the August 6, 2003 Board of Trustees meeting, the Board accepted the Nursing Report for 2002-2003, which recommended a revised admission process for Nursing proposed for implementation in Fall 2004. Finally, it should be noted that both Cuesta College and the Cuesta College Nursing Program are accredited by regional and specialized accrediting bodies. The regional accrediting body is the Accrediting Commission for Community and Junior Colleges (ACCJC) Western Association of Schools and Colleges (WASC). Regional accreditation associations operate under the jurisdiction of the Department of Education. The Nursing Program is accredited by the California State Board of Registered Nursing. In 2002-2003, Cuesta College and the Nursing Program both completed in-depth self-studies according to the standards and requirements of their respective accrediting bodies. Both were evaluated by representatives from other colleges or Associate Degree Nursing programs, and both had their accreditation status reaffirmed. There are a few corrections to the tables appearing in Appendix A of the Grand Jury Report. The

number of students who completed the Nursing Program in 2002 should be 29 and the percent should be 64.4%, not 78.490% as appears on page 42. There was a mistake in reporting these numbers to the Grand Jury committee members who met with College officials in March. Additionally, the "% Pass Last 3 Yrs." on page 44 should be 84.7%, not 84.4%; this correction was reported by Vice President Gil Stork to Jeffrey Green after College Administrators had heard the report on May 28. In conclusion, the Board of Trustees and the Superintendent/President agree with the findings reported by the committee of the Grand Jury but disagree with the claim that there had been no follow-up on the effects of the change in admission procedures. The Nursing Program is one of many instructional programs of Cuesta College and as such is continuously reviewed by faculty and administrators in terms of student results, causes of attrition, and strategies to increase student retention and success.

Grand Jury Finding 3 The School of Nursing at Cuesta College was not alone in using grades and other criteria for selecting their nursing students. The community college system in California is decentralized, and nursing programs at these colleges were allowed to make their own decisions on how to decide who to admit.

Grand Jury Finding 4 After the Chancellor's Office of the California Community Colleges lost a series of lawsuits against it in the 1980s and early 1990s, it decided in 1993 to make changes to Title 5 of the California Code of Regulations that eliminated grade-related prerequisite and co-requisite requirements.

Grand Jury Finding 5 Cuesta College decided to comply with the Chancellor's Office's policy and eliminated all admission criteria that it could not validate as predictors to students' success in the field of nursing. Beginning in 1997, Cuesta College placed all applicants who maintain a "C" average in math and science prerequisite courses into a pool from which it randomly selected a set number of them to be admitted into the next class.

Grand Jury Finding 6 The number of student spaces in the program dropped from 45 in 1996 to 35 in 1997 through 1999 due mainly to the lack of clinical space for training.

Grand Jury Finding 7 In 2000 and 2001, the number of spaces increased to 46.

Grand Jury Finding 8 In 2000, the program had fewer enrolled students (37) than spaces (46).

Grand Jury Finding 9 Cuesta officials stated that standards for evaluating students did not change following implementation of the Qualified Applicant Pool system. We were not able to verify the statement because of time and resource constraints. They stated also they believed that students admitted under the new program were less prepared for the rigors of the ADN program than those admitted under the point system.

Grand Jury Finding 10 Since Cuesta and other community colleges implemented this change in admissions policy, there has been a decrease statewide in the number of admitted students who complete the course of study through to graduation (success rate): statewide, the success rates of ADN students have declined from about 82 percent in 1994-95 to about 73 percent in 1998-99.

Grand Jury Finding 11 At Cuesta College's ADN Program, students admitted during the last five years of the point system have had about an 82 percent success rate, which was the same as the statewide success rate.

Grand Jury Finding 12 During the first two years following inauguration of the Qualified Applicant Pool system for selecting students for admission, nursing students at Cuesta have had a success rate of about 63 percent

Grand Jury Finding 13 During the last two years of measurement, 1999-2000 and 2000-2001, the success rate at Cuesta College averaged about 86 percent.

Grand Jury Finding 14 In 2002, the Research and Planning Group's Center for Student Success (CSS) engaged in a study designed to improve the prediction of successful student completion in ADN programs: *The Associate Degree Nursing: Model Prerequisites Validation Study*.

Grand Jury Finding 15 This study acknowledged that there were other factors over which the community colleges had no control that were contributing to the shortage of nurses in California. These factors included more attractive jobs in other professions, low wages, poor working conditions, and high training costs to nurses. However, the assumption of the study was that attrition in nursing programs is an important contributing factor.

Grand Jury Finding 16 The study found that there were four factors that rose to the top in the prediction model: overall college grade point average (GPA), English GPA, Core Biology GPA (anatomy, physiology and microbiology), and Core Biology repetitions (the number of times a student repeats any of the core biology courses). The study found also that the application of these factors significantly improved the chance for success for completing the ADN program.

Grand Jury Finding 17 In 2002, CSS sent this study to the chancellor and the Academic Senate of the California Community Colleges.

Grand Jury Finding 18 The president of the Academic Senate wrote in his update in June 2002 that the Academic Senate is "adamantly opposed" to any measures that would limit access, and believes that community colleges should find alternative means of ensuring the success of nursing students other than imposing entrance requirements that "would screen out 'less-prepared' candidates." The President also stated "if the state is serious about wanting us to crank out more nurses, it can give us more resources with which to get our students through our programs.

Grand Jury Finding 19 The chancellor wrote in opposition to implementing any change in entrance requirements as recommended by the CSS study. In his Weekly Email Update, the Chancellor wrote on June 7, 2002: At this point it's appropriate that we put a big, red 'stop' sign in front of us. It would be dangerous to consider and implement this research in isolation. The discussion we're undertaking is one of rationing access—looking at who gets in to limited spaces. This discussion is in direct conflict to the open access mission of the California Community Colleges. And, if we're not extremely careful, this discussion will be in direct

conflict to our core beliefs of student equity and equal opportunity. Let's back up and look at the big picture before we proceed. If we keep our eye on the big picture it means we must pursue a multi-part strategy: 1) Aggressively increasing the number of nursing slots available in our colleges, 2) doing more outreach in terms of recruiting students to our programs, 3) having counseling, advice, and other intervention strategies in place to help students understand their options and overcome obstacles to success, and 4) carefully implementing methods to help determine the order in which we serve students."

Grand Jury Finding 20 In June 2002, the Chancellor's Office wrote that it would provide the community colleges its recommendations on the findings of the CSS Study. The Chancellor's Office stated recently that these recommendations would be ready by the end of April, but officials at Cuesta College say that they are not optimistic that this date will be met.

Grand Jury Finding 21 Although they have not received the Chancellor Office's recommendations, officials at Cuesta College say that they plan to implement some recommendations of the CSS study related to admissions policy. Approval by the Board of Trustees is necessary. Cuesta's plan is to maintain the qualified pool of applicants, but end the random drawing from the pool. Instead, Cuesta will admit applicants in an order determined by their GPA in prerequisite courses. Applicants not admitted will go on a waitlist and offered study skills courses. Cuesta would place waitlisted applicants, if still interested, on next year's qualified pool and admitted first.

Grand Jury Finding 22 The nursing authority in the state where a nurse intends to practice must license the person as a registered nurse. To obtain this license, the nurse must pass the National Council Licensure Examination for Registered Nurses, commonly called NCLEX-RN.

Grand Jury Finding 23 For those students admitted during the last two years of the point system, Cuesta College had the second highest NCLEX-RN pass rate (97%) of all California community colleges that graduated ADN students who took the NCLEX-RN examination for the first time. The overall statewide pass rate among ADN programs was 85 percent (see Appendix B).

Grand Jury Finding 24 Of the Cuesta College ADN graduates admitted during the first three years of the qualified applicant pool system and who took the NCLEX-RN examination for the first time, 84.4 percent passed the exam. The pass rate for those three years in all ADN programs in California was 83.5 percent. While Cuesta exceeded that pass rate, 33 of the reported 71 ADN programs had higher pass rates (see Appendix B).

Grand Jury Finding 25 For July 1 to September 30, 2002, 16 Cuesta College nursing graduates (all admitted under the qualified applicant pool system) took and passed the NCLEX-RN examination.

Grand Jury Finding 26 In February 1999, the Board of Registered Nursing expressed concern about declining pass rates statewide on the NCLEX-RN examination. In December 2000, the board's NCLEX-RN Task Force issued a report recommending ways to ameliorate the effects of the decline. Cuesta College has adopted some recommendations from the report. These include:

- *Incorporate an assessment of language proficiency, reading level, and reading comprehension as part of pre-nursing assessment for potential nursing students or for counseling newly admitted students to the nursing major.* Cuesta currently uses the Test of Essential Academic Skills, designed to assess student competencies in the areas of mathematics, science, English, reading and comprehension. These results give both students and instructors information about areas of student weakness.
- Develop techniques to identify at-risk students early and implement remediation plans. Cuesta College has recently recommended giving nursing majors a higher registration priority. This will allow the college to identify potential applicants very early in the process. In addition, Cuesta College is forming learning communities for this fall. These communities will join science courses with study skills courses to assist all students, but particularly those students at risk.

GROVER BEACH POLICE DEPARTMENT

The Grover Beach Police Department is required to respond to all findings and recommendations. Grover Beach City Council is required to respond to all findings and recommendations.

Grand Jury Finding 1 The department's current Policy and Procedures Manual contains no policy with respect to officers achieving and maintaining firearms proficiency on the range.

Response: None

Grand Jury Finding 2 A revision to the Policy and Procedures Manual, in draft but not yet adopted, does contain a policy with respect to officers achieving and maintaining firearms proficiency on the range.

Response: None

Grand Jury Finding 3 In 2000 and 2001, the practice (unwritten) with respect to officers achieving and maintaining firearms proficiency on the range was that officers went to a range to requalify on firearms once or twice a year

Response: None

Grand Jury Finding: 4 Beginning in 2002, the practice (unwritten) with respect to officers achieving and maintaining firearms proficiency on the range is that officers go to the range monthly: every three months to requalify and the other months to practice and train.

Response: None

Grand Jury Finding: 5 Between June 2000 and July 2001, one officer failed to requalify on firearms proficiency four times: June 2000, July 2000, November 2000, and January 2001.

Response: None

Grand Jury Finding: 6 That officer had previously requalified in September 1999, October 1999, and January 2000.

Response: None

Grand Jury Finding: 7 That officer requalified in July 2001. Department management asked the Arroyo Grande Police Department rangemaster to conduct the requalification test to dispel any allegations of impartiality or impropriety. The officer has subsequently requalified at every range since then.

Response: None

Grand Jury Finding: 8 In 2000 and 2001, the department had no policy, written or unwritten, with respect to how to deal with an officer who repeatedly fails to requalify on firearms proficiency.

Response: None

Grand Jury Finding: 9 The current draft revision to the department's Policies and Procedures Manual contains the policy: "All qualified personnel are required to qualify quarterly with their duty weapons on an approved course and that sworn members who repeatedly fail to qualify will be relieved from field assignment and appropriate disciplinary action may follow."

Response: None

Grand Jury Finding: 10 In January 2001, department management stated that the range program had lost direction.

Response: None

Grand Jury Finding: 11 During the period of the officer's failure to requalify, a department supervisor directed a sergeant to draft a policy on range and qualification standards. The sergeant submitted the draft on February 9, 2001.

Response: None

Grand Jury Finding: 12 Department management rejected the draft on the basis that parts of it (1) were too punitive against officers or (2) conflicted with the Fair Standards Labor Act and worker's compensation regulations.

Response: None

Grand Jury Finding: 13 During the period that the officer failed to requalify, the department gave the officer remedial training.

Response: None

Grand Jury Finding: 14 The officer is a female.

Response: None

Grand Jury Finding: 15 During the period that the officer failed to requalify, she carried on her normal duties that required her to carry and potentially use firearms. She was also a member of

the department's Special Problems Team (SPT), a special unit directed to area-containment activities in crisis situations.

Response: None

Grand Jury Finding: 16 Three department supervisors involved in officer range qualification made statements about her performance as a female officer. Two of the three told her that she was in danger of being fired. They expressed concern to management about her qualifications, given her nonqualification on the firing range, to serve on the SPT.

Response: None

Grand Jury Finding: 17 In a May 2001 memo to the chief, two sergeants expressed disagreement on department procedures with respect to the repeated failure of an officer to qualify on firearms. The two officers also delivered the memo to the city manager and discussed it with him. One of the officers is a friend of a city councilmember, who had access to the memo. The two officers also made information contained in the memo available to the media.

Response: None

Grand Jury Finding: 18 The chief responded in a June 2001 memo criticizing the sergeants for not sending the memo up through the department's established chain of command.

Response: None

Grand Jury Finding: 19 The chief told the sergeants that he had received the memo but disagreed with their findings and conclusions.

Response: None

Grand Jury Finding: 20 The chief removed one of the sergeants as rangemaster, saying that he had "lost faith in his ability to oversee our range program."

Response: None

Grand Jury Finding: 21 The female officer orally alleged gender bias incidents to department personnel in command positions.

Response: None

Grand Jury Finding: 22 The officer did not file a formal sexual harassment complaint, saying that she just wanted to get on with her job.

Response: None

Grand Jury Finding: 23 In late 2001, the department decided to use the Arroyo Grande Police Department range to requalify all department officers in firearms proficiency.

Response: None

Grand Jury Finding: 24 There were discussions among employees of the department and officials of the City of Grover Beach with respect to what might be the financial liability implications of an officer failing to pass firearms proficiency tests and subsequently firing his or her weapon inadvertently causing injury.

Response: None

Grand Jury Finding: 25 During the time that the officer failed to requalify, there was no incident in which she fired her firearm in an unsatisfactory manner.

Response: None

Grand Jury Finding: 26 The officer has received satisfactory performance evaluations.

Response: None

Grand Jury Finding: 27 Except for this one officer during 2000 and 2001, no witness could recall when an officer ever failed to requalify after more than two requalification ranges.

Response: None

Grand Jury Finding: 28 The department has no current or proposed policies specifically addressing how an officer should handle DUI arrests.

Response: None

Grand Jury Finding: 29 The department follows appropriate sections of the California Penal Code and California Vehicle Code in handling DUI arrests.

Response: None

Grand Jury Finding: 30 Department records state the following with respect to DUI adult arrests: 40 in 1997, 65 in 1998, 136 in 1999, 123 in 2000, 66 in 2001, and 56 in 2002.

Response: None

Grand Jury Finding: 31 There were 259 DUI arrests in 1999 and 2000. Two officers (of 17) made 168 of them (65%).

Response: None

Grand Jury Finding: 32 The department sent those two and other officers to special DUI training between 1998 and 2000.

Response: None

Grand Jury Finding: 33 In 1999 and 2000, one of those two and other officers received Mothers Against Drunk Driving (MADD) and California Office of Traffic Safety (OTS) awards for their positive efforts in DUI enforcement, based on recommendations by department management.

Response: None

Grand Jury Finding: 34 In applying for a grant from the OTS in 2000, the department stated that one of its objectives was to increase DUI arrests by 15 percent from the calendar 1998 base year from 83 to 95 by June 2001 and an additional 15 percent from 95 to 110 by June 2002. From July 2001 to June 2002, there were 80 DUI arrests.

Response: None

Grand Jury Finding: 35 Also in applying for the OTS grant, the department stated that one of its objective was to decrease alcohol-related fatal and injury collisions by 50 percent from the calendar 1998 base year of 8 to 4 by June 2002.

Response: None

Grand Jury Finding: 36 Department records state the following with respect to DUI injury traffic collisions: 4 in 1997, 6 in 1998, 2 in 1999, 5 in 2000, 6 in 2001, and 6 in 2002. There were no DUI fatal traffic collisions.

Response: None

Grand Jury Finding: 37 Department records state the following with respect to all DUI traffic collisions (injury and non-injury): 9 in 1997, 12 in 1998, 10 in 1999, 9 in 2000, 18 in 2001, and 14 in 2002.

Response: None

Grand Jury Finding: 38 One of the officers came under department scrutiny because the quantity of his DUI arrests were interfering with his performance of other patrol officer duties.

Response: None

Grand Jury Finding: 39 Department supervisors discussed their concerns with him.

Response: None

Grand Jury Finding: 40 Later, department management expressed to him their concern about the quality of his DUI arrests. One instance involved the arrest of a person who passed the officer's Field Sobriety Test and whose field Preliminary Alcohol Screening (PAS) test indicated

a blood alcohol content (BAC) below the 0.08 threshold. The arrestee challenged the arrest. The officer's supervisor nullified the arrest because the BAC was below the threshold.

Response: None

Grand Jury Finding: 41 Department management did verbally counsel the officer regarding his using probable cause in making DUI arrests. Management did not initiate any proceedings against the officer for his conduct of DUI arrests.

Response: None

Grand Jury Finding: 42 Based on a concern about the quality of the officer's DUI arrests, department management asked the County District Attorney's office if it had received any negative reports about the officer. The response was that there were none. Prior to initiating a field test to determine whether the officer was using probable cause in making DUI arrests, the department placed him on administrative leave for other actions that led to his termination.

Response: None

Grand Jury Finding: 43 The department received verbal complaints from tavern owners in the city that officers were "sitting on bars," defined as staking out bars, waiting for a patron to get behind the wheel and drive away, and then stop him as a suspected DUI.

Response: None

Grand Jury Finding: 44 Department management told officers that "sitting on bars" is "against all department protocols."

Response: None

Grand Jury Finding: 45 From at least 1999 to the present, the department's *Policy and Procedures Manual* has contained no policy with respect to the impoundment and towing of vehicles driven by DUI arrestees. The department's draft revision to its *Policy and Procedures Manual* includes a vehicle towing policy (August 2002). The policy is not yet in force.

Response: None

Grand Jury Finding: 46 The general department policy (unwritten) from 1999 to 2001 with respect to vehicle impoundment and towing is that the officer should not impound and tow a vehicle in situations where a vehicle can be safely parked and locked and where no obvious valuables are involved. But overall, the decision to impound and tow is at the officer's discretion.

Response: None

Grand Jury Finding: 47 In 1999, department supervisors told two officers that they were impounding and towing too many vehicles and directed them to comply with the unwritten policy.

Response: None

Grand Jury Finding: 48 Those two officers decreased towing vehicles of DUI arrestees.

Response: None

Grand Jury Finding: 49 The department received oral inquiries from towing companies under contract to the city about the reduction in their business due to fewer towings.

Response: None

Grand Jury Finding: 50 The chief of police's direction to his officers is that they must have a reason to tow a car: "there is no reason to tow every car."

Response: None

Grand Jury Finding: 51 Those two officers raised with department supervisors an issue regarding the potential safety of the public or liability to the department or the City of Grover Beach from a released DUI arrestee causing an accident or injury from driving himself home immediately following the release.

Response: None

Grand Jury Finding: 52 The department supervisors responded that that was a "what if" situation: "It has never happened; we don't deal with hypotheticals."

Response: None

Grand Jury Finding: 53 The general department procedure from 1999 to 2001 with respect to the release of a DUI arrestee from the department's holding facility was to release him to a responsible adult, give the arrestee all his belongings (including his car keys), and tell the responsible adult to drive him home. There is no follow-up to ensure that the arrestee himself doesn't drive the car (when he might still be intoxicated).

Response: None

Grand Jury Finding: 54 The revised draft department *Policy and Procedures Manual* has a section on "storage at arrest scenes" as part of the "vehicle towing policy." It states that it is the general policy of the department to store [impound] vehicles driven by persons who are arrested but that officers retain the discretion to not store the vehicle at the request of the arrestee and when there is no obvious need to store the car for the continued investigation or prosecution of the case. Reasons cited for not towing are a traffic-related warrant arrest; situations where the vehicle was not used to further the offense for which the driver was arrested; and a situation

where a vehicle can be safely parked, locked, and no obvious valuables are involved. The policy is not yet in force.

Response: None

Grand Jury Finding: 55 The department does not keep statistics on the number of towed vehicles of DUI arrestees. Department records state the following with respect to the number of vehicles towed for whatever reason: 263 in 1997, 254 in 1998, 296 in 1999, 311 in 2000, 356 in 2001, and 376 in 2002.

Response: None

Grand Jury Finding: 56 The department's *Policy and Procedures Manual* establishes rules under which the department operates.

Response: None

Grand Jury Finding: 57 The department last comprehensively updated its manual in 1999, but updated portions of the manual "as needed."

Response: None

Grand Jury Finding: 58 In 2001, the department began a comprehensive update of the manual.

Response: None

Grand Jury Finding: 59 On the department's recommendation, the city contracted with a law firm to draft the manual and subsequently update it annually.

Response: None

Grand Jury Finding: 60 Final approval of the updated manual is pending (as of the date of this report).

Response: None

Grand Jury Finding: 61 In between updates of the manual, written orders from the chief of police override the manual to the extent that the orders bring department policies and procedures in compliance with new laws.

Response: None

Grand Jury Finding: 62 The chief of police also issues written and verbal orders to ensure compliance with his management philosophy and priorities.

Response: None

Grand Jury Finding: 63 Department supervisors guide and counsel officers on their actions to ensure that they are consistent with the chief's management direction and priorities.

Response: None

Grand Jury Finding: 64 Failure to follow policies, procedures, and orders is subject to counseling and, if necessary, discipline (from written reprimand to days off without pay to termination, depending on the severity of the failure).

Response: None

Grand Jury Finding: 65 The current *Policy and Procedures Manual* prohibits probationary officers from serving as watch commanders (shift supervisors).

Response: None

Grand Jury Finding: 66 Probationary officers have served as watch commanders.

Response: None

Grand Jury Finding: 67 The revised *Policy and Procedures Manual* permits probationary officers with at least six months of prior police officer experience to serve as watch commanders.

Response: None

Grand Jury Finding: 68 In defending one officer-dismissal case, the city has spent \$400,000 in legal expenses since the firing in June 2001.

Response: None

Grand Jury Finding: 69 Police department and city officials stated that their focus on that officer-dismissal case affected how they addressed other department issues, including firearms qualification, DUI, and internal investigations.

Response: None

Grand Jury Finding: 70 In June 2002, the San Luis Obispo County Sheriff's Department submitted a preliminary proposal to the City of Grover Beach in response to the city's request for proposal about the Sheriff's Department assuming responsibilities for police services in Grover Beach. The Sheriff's Department presented three alternatives. In the one it favored, the sheriff estimated that its department would save Grover Beach \$462,000 per year, mostly through economy of scale by using a centralized communications center, central records system, and centralized property control.

Response: None

Grand Jury Finding: 71 To date, the city has made no response to the Sheriff's Department proposal.

Response: None

Grand Jury Finding: 72 The City of Grover Beach is now exploring with the cities of Arroyo Grande and Pismo Beach with respect to consolidating their police dispatch functions into a single operation.

Response: None

RESPONSES TO RECOMMENDATIONS

Grand Jury Recommendation: 1 Require—as part of the release of every DUI arrestee—that the person assuming custody of the arrestee sign a statement acknowledging his or her potential criminal and civil liability for permitting or facilitating the arrestee's operation of a motor vehicle while intoxicated. This should become part of the department's *Policy and Procedures Manual*.

Department Response: I have initiated a form letter that would be signed by both the arrestee and the person the arrestee is released to.

Grover Beach County Council Response: The department has addressed the issues related to the Policy and Procedures Manual, which was being revised, as the investigation was ongoing. The process has concluded and a new Policies and Procedures Manual is in place. Other issues raised are also being addressed. To further limit the City's liability, the Police Department has instituted a policy of towing all DUI arrestees' vehicles.

Grand Jury Recommendation: 2 Seek police department accreditation from the Commission on Accreditation for Law Enforcement Agencies, Inc. (CALEA). We make this recommendation because this accreditation would address many of management issues we have addressed in this report. The benefits include:

- ***Reduced Exposure to Liability.*** Accreditation status can decrease liability costs.
- ***Stronger Defense against Lawsuits and Citizen Complaints.*** Accredited agencies are better able to defend themselves against lawsuits and citizen complaints. Many agencies report a decline in legal actions against them, once they become accredited.
- ***Greater Accountability within the Agency.*** Accreditation standards give the chief executive officer a proven management system of written directives, sound training, clearly defined lines of authority, and routine reports that support decision-making and resource allocation.
- ***Staunch Support from Government Officials.*** Accreditation provides objective evidence of an agency's commitment to excellence in leadership, resource management, and service-delivery. Thus, government officials are more confident in the agency's ability to operate efficiently and meet community needs.
- ***Increased Community Advocacy.*** Accreditation embodies the precepts of community-oriented policing. It creates a forum in which police and citizens work together to

prevent and control challenges confronting law enforcement and provides clear direction about community expectations.

CALEA is an independent accrediting authority established by the four major law enforcement membership associations: International Association of Chiefs of Police, National Organization of Black Law Enforcement Executives, National Sheriffs' Association, and Police Executive Research Forum. Their members represent about 80 percent of the law enforcement profession in the nation.

Through a voluntary process, CALEA accredits law enforcement agencies. The purpose of the accreditation program is to improve delivery of law enforcement service by offering a body of standards, developed by law enforcement practitioners, that cover a wide range of up-to-date law enforcement topics.

According to CALEA, the accreditation process serves as an "audit" to determine whether or not the police department's operational policies, written and unwritten, comply with the standards to which the courts and the public hold city managers, police chiefs, supervisors, and patrol officers accountable in the everyday conduct of their business. By having an accredited police department, a city can be reasonably confident that the agency is doing things right.

The accreditation process may take over two years, but it may take the Grover Beach Police Department less time because it has just updated its *Policy and Procedures Manual*.

The cost of accreditation for an agency of the police department's size is \$7,650.

An alternative is for the department to participate in the CALEA Recognition Program, which can serve as a stepping stone for smaller law enforcement agencies that wish to participate in a professional credentialing program before seeking accreditation. The CALEA Recognition Program is intended for smaller agencies that may not have the resources for the full accreditation program. The award of CALEA Recognition is for three years. The estimated cost is \$2,500.

Department Response: CALEA is a nationwide organization established in 1979 for accreditation of law enforcement standards. CALEA was formed because many states do not have an accreditation body. California's Commission on Peace Officers Standards and Training (POST) performs many of these same functions and has been setting standards for professional law enforcement since 1959. Currently only five police and one sheriff's departments belong to CALEA in the state of California. The reason for this is POST is still seen as setting the "standard" in California. POST will do a management audit and review based on its accreditation standards at no charge. I have requested a POST management audit and our first meeting with POST will be on August 21, 2003.

City of Grover Beach Council Response: As the Chief's response indicates, a Release form for signatures of the arrestee and the person taking custody has been instituted. As to the second issue, after careful research and consideration, the City has requested a POST management audit in lieu of the CALEA accreditation. The POST standards are more applicable to departments in this State and are a better indicator than those of a national agency.

INTEGRATED WASTE MANAGEMENT PROGRAM

The San Luis Obispo County Board of Supervisors is required to respond to all findings and recommendations. The San Luis Obispo County Environmental Health Services is required to respond to all findings and recommendations.

Grand Jury Finding 1 During the past five years, there have been six separate inspectors in the solid waste program.

ENVIRONMENTAL HEALTH SERVICES RESPONSE: THE RESPONDENT AGREES WITH THE FINDING. THE 2002-2003 GRAND JURY REPORT ALSO STATES, "EMPLOYEES OF THE STATE INTEGRATED WASTE MANAGEMENT BOARD CONFIRMED THAT STAFFING IN THE PROGRAM WAS A PROBLEM IN OTHER COUNTIES, AS WELL". THE PASO ROBLES LANDFILL, WHICH IS INSPECTED BY THE CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD, EXPERIENCED NINE DIFFERENT INSPECTORS DURING THE SAME 5-YEAR PERIOD.

BOARD OF SUPERVISORS RESPONSE: THE BOARD AGREES WITH THE FINDING.

Grand Jury Finding 2 According to the director of Environmental Health, it takes from four to six months to train a registered environmental health specialist for the solid waste position.

ENVIRONMENTAL HEALTH SERVICES RESPONSE: THE RESPONDENT AGREES WITH THE FINDING.

Board of Supervisors Response: The Board agrees with the finding.

Grand Jury Finding 3 When a program member resigns, inspections have occasionally been made by staff not fully trained in the solid waste program.

ENVIRONMENTAL HEALTH SERVICES RESPONSE: THE RESPONDENT PARTIALLY DISAGREES WITH THE FINDING. ON ONE OCCASION, ONE STAFF PERSON HAD NOT BEEN FULLY TRAINED TO PROCESS SOLID WASTE FACILITY PERMITS. THE STAFF PERSON WAS TRAINED TO CONDUCT FACILITY INSPECTIONS. THE STAFF PERSON DID MAKE SOLID WASTE FACILITY INSPECTIONS THAT SHE WAS TRAINED TO DO. SHE DID NOT PROCESS THE SOLID WASTE FACILITY PERMITS. ANOTHER STAFF PERSON THAT HAD EXTENSIVE SOLID WASTE PROGRAM EXPERIENCE ASSUMED RESPONSIBILITY FOR THE PERMIT PROCESSING.

Board of Supervisors Response: The Board partially disagrees with the finding. According to the Environmental Health Division, on one occasion, one staff person had not been fully trained to process solid waste facility permits, although the staff person was trained to conduct facility inspections. The staff person did make solid waste facility inspections but did not process the solid waste facility permits. Another staff person that had extensive solid waste program experience assumed responsibility for the permit processing.

Grand Jury Finding 4 The solid waste program does not have a dedicated full-time person. The director is currently staffing the program with two people working 86 percent of their time in solid waste. The purpose of this arrangement is to provide backup in case one of the staff leaves the program.

ENVIRONMENTAL HEALTH SERVICES RESPONSE: THE RESPONDENT AGREES WITH THE FINDING. ENVIRONMENTAL HEALTH HAS TRIED DIFFERENT STAFFING ARRANGEMENTS TO PROVIDE COVERAGE FOR THE SOLID WASTE PROGRAM. WE HAVE TRIED A DEDICATED FULL-TIME PERSON AND A LEAD PERSON ARRANGEMENT. THE PROBLEM WAS WHEN THERE WAS ONE PERSON DEDICATED TO THE PROGRAM, THAT PERSON WAS THE ONLY ONE TRAINED AND QUALIFIED TO WORK IN THE PROGRAM. WHEN THAT PERSON LEFT, IT TOOK SEVERAL MONTHS TO REPLACE THEM. IN THE CASE OF THE LEAD PERSON ARRANGEMENT, THE LEAD PERSON WAS FULLY TRAINED TO WORK IN THE PROGRAM BUT THE SECONDARY PERSON WAS ONLY PARTIALLY TRAINED TO WORK IN THE PROGRAM. WHEN THE LEAD PERSON LEFT, IT TOOK A COUPLE OF MONTHS TO PREPARE THE SECONDARY STAFF PERSON FOR ADDITIONAL DUTIES. THE BEST ARRANGEMENT IS TO HAVE TWO OR THREE PEOPLE IN THE PROGRAM WITH THE SAME LEVEL OF TRAINING SO THAT WE COULD PROVIDE BACKUP IN THE EVENT OF STAFF TURNOVER.

Board of Supervisors Response: The Board agrees with the finding.

Grand Jury Finding 5 As a result of staffing problems, Environmental Health did not complete all of the required inspections of closed sites in the year 2000.

ENVIRONMENTAL HEALTH SERVICES RESPONSE: THE RESPONDENT AGREES WITH THE FINDING. THE 2002-2003 GRAND JURY REPORT STATES, "FOR ALMOST A DECADE, THE ENVIRONMENTAL HEALTH DIVISION HAS BEEN ACTING AS THE LOCAL ENFORCEMENT AGENCY IN SAN LUIS OBISPO COUNTY. DURING THIS TIME, THE AGENCY HAS DONE A RELATIVELY GOOD JOB OF MANAGING THE PROGRAM ACCORDING TO THE STATE INTEGRATED WASTE MANAGEMENT BOARD". THE STATE INTEGRATED WASTE MANAGEMENT BOARD IS RESPONSIBLE FOR EVALUATING THE PERFORMANCE OF THE LOCAL ENFORCEMENT AGENCY. THE THREE-YEAR AUDIT REPORT THAT NOTED THE DEFICIENCY IN CLOSED SITE INSPECTIONS IN THE YEAR 2000 ALSO SAID THAT IMPROVEMENTS IN THE PROGRAM WERE EVIDENT BEGINNING IN NOVEMBER 2000. THE CLOSED SITE INSPECTIONS WERE NOT MADE BECAUSE WORKLOAD EXCEEDED STAFF HOURS AVAILABLE AND WE PRIORITIZED THE CLOSED SITE INSPECTIONS IN ORDER TO COMPLETE OTHER MANDATED PROGRAM RESPONSIBILITIES. ALL CLOSED SITES HAVE BEEN INSPECTED AT THE PROPER FREQUENCY SINCE THAT AUDIT REPORT.

Board of Supervisors Response: The Board agrees with the finding.

Grand Jury Finding 6 The Board of Supervisors has held hearings regarding changing the local enforcement agency from the Environmental Health Division of the Public Health Department to the county's Integrated Waste Management Authority.

Environmental Health Services Response: The respondent agrees with the finding.

Board of Supervisors Response: The Board agrees with the finding.

Permitting

Grand Jury Finding 6 The director of Environmental Health maintains that there is no such a thing as a minor change to a permit. Any modification opens the entire permit to review.

Environmental Health Services Response: The respondent agrees with the finding. The director of Environmental Health indicated that the California Integrated Waste Management Board has directed that there currently is not a separate process for making minor changes to a permit. It is possible to have a minor change to a permit but any change in the permit requires a full permit review per State permitting requirements. Almost any change to the permit language requires the use of the permit revision process. Exceptions are a change in the owner/operator/address and an update of the permit review date.

Board of Supervisors Response: The Board agrees with the finding.

Grand Jury Finding 7 The director said that, perhaps in issuing a specific permit, the agency overlooked factors that came up for review when the permit was later modified.

Environmental Health Services Response: The respondent partially disagrees with the finding. On one occasion, in order to meet timelines as required by the California Code of Regulations, the agency in consultation with the State, chose to postpone some factors until a later permit review. At the time, completion of the permit process was taking longer than expected. There were several items that needed to be addressed before the permit process could be completed. The operator was expressing concern about the length of time to complete the permit. Environmental Health in consultation with the State decided that some items could be postponed until the next permit review. After the permit was issued, the operator wanted to modify his permit, which required another permit revision. The items that were postponed from the prior permit review were then added.

Board of Supervisors Response: The Board partially agrees with the finding and refers to the department's response to the details regarding the specific permit.

Grand Jury Finding 8 The agency must review every landfill permit every five years unless modified earlier by the permit holder.

Environmental Health Services Response: The respondent agrees with the finding.

Board of Supervisors Response: The Board agrees with the finding.

Grand Jury Finding 9 According to the director, permit reviews normally take four months from the time the agency deems the application complete.

Environmental Health Services Response: The respondent agrees with the finding.

Board of Supervisors Response: The Board agrees with the finding.

Grand Jury Finding 10 Waste site operators must file a report called Disposal Site Information as part of their permit application. This document fills a four-inch binder and costs \$50,000 to \$100,000, according to the operator of a major waste site.

Environmental Health Services Response: The respondent agrees with the first sentence of the finding. The respondent does not have information about the second sentence of the finding.

Board of Supervisors Response: The Board agrees with the first sentence of the finding but is not in a position to agree or disagree with the second part of this finding.

Grand Jury Finding 11 In addition to the county review, all permits must be reviewed and approved by the State Integrated Waste Management Board.

Environmental Health Services Response: The respondent agrees with the finding.

Board of Supervisors Response: The Board agrees with the finding.

RECOMMENDATIONS (INTEGRATED WASTE PROGRAM)

Grand Jury Recommendation 1: The agency needs a qualified lead staff person to coordinate the solid waste program. Alternatively, the agency should assign more responsibility for the solid waste program to the supervisor and fully train him in the program so that he can fill any temporary vacancy.

Environmental Health Services Response: The recommendation has not yet been implemented, but will be implemented in the future. The position that is assigned the lead person responsibilities has been vacant since June 12, 2002 because the Board of Supervisors has withdrawn their designation of Environmental Health as the Local Enforcement Agency pending the approval of the Integrated Waste Management Authority as the Local Enforcement Agency. When that has been resolved, and if Environmental Health retains the program, the position will be filled as soon as possible. It is unrealistic to expect the supervisor to work in the technical aspects of the program and continue his supervisory responsibilities and many other programs as well as the solid waste program. If the supervisor is expected to fill temporary vacancies, it will require a great deal of training. Unless the supervisor regularly works in the technical aspects of the program, the training will be forgotten.

Board of Supervisors Response: The recommendation has not yet been implemented, but may be implemented in the future. The position that is assigned the lead person responsibilities has been vacant since June 12, 2002 because the Board of Supervisors withdrew their designation of Environmental Health as the Local Enforcement Agency pending the approval of the Integrated Waste Management Authority as the Local Enforcement Agency. When the designation status has been resolved, and if Environmental Health retains the program, the position will be filled as soon as possible. The recommendation related to the supervisor requires further analysis as it is unclear if the supervisor can implement all of the technical aspects of the program and continue his or her supervisory responsibilities in six other Environmental Health programs.

Grand Jury Recommendation 2: Environmental Health should work with the State Integrated Waste Management Board to establish procedures for allowing minor permit modifications without requiring complete permit reviews.

Environmental Health Services Response: Recommendation requires further analysis. Environmental Health has advocated for a more streamlined permit process in the past. Environmental Health will refer the recommendation to the California Integrated Waste Management Board.

Board of Supervisors Response: Environmental Health will refer the recommendation to the California Integrated Waste Management Board. Environmental Health has advocated for a more streamlined permit process in the past but with little result.

Grand Jury Recommendation 3: If the local Integrated Waste Management Authority becomes the local enforcement agency, as proposed, it should take this recommendation into account.

Environmental Health Services Response: No Response

Board of Supervisors Response: The Board of Supervisors is not required to respond to recommendation #3.

SAN LUIS OBISPO COUNTY JAIL

The San Luis Obispo County Board of Supervisors is required to respond to all findings and recommendations. The San Luis Obispo County Sheriff is required to respond to all findings and recommendations.

Grand Jury Finding 1 Jail staff issues each inmate a set of Inmate Rules, which include information on contraband, inmate conduct, procedures and services available in the jail

County Sheriffs Department Response: The respondent agrees with the finding.

Board of Supervisors Response: The Board agrees with the finding based upon the response provided by the Sheriff.

Grand Jury Finding 2 We observed that inmates spend their waking hours watching TV, talking, playing cards, and lying on their bunks.

County Sheriffs Department Response: The respondent disagrees partially with the finding. When inmates are in their housing units, they also write and read letters, read books, magazines, and newspapers.

Board of Supervisors Response: The Sheriff states that he disagrees with the finding and the Board concurs with the Sheriff's response. The Grand Jury has made a finding on the basis of a limited number of visits to the jail. The Sheriff's response is based upon a year round observation of how inmates spend their time.

Grand Jury Finding 3 Staff does not always refer inmates with mental health problems to the Department of Mental Health Services at the time of their release.

County Sheriffs Department Response: The respondent disagrees with this finding. Jail staff do not make referrals involving medical or mental health recommendations to the Department of Mental Health Services. Mental Health Services personnel who work at the jail are responsible to refer inmates to the Department of Mental Health Services for any aftercare treatment upon release.

Board of Supervisors Response: The Sheriff states that he disagrees with the finding and the Board concurs with the Sheriff's response for the reasons stated by the Sheriff.

Grand Jury Finding 4 "The jail pays for psycho-tropic medications dispensed at the time of release out of the inmate welfare fund."

County Sheriffs Department Response: The respondent agrees with this finding.

Board of Supervisors Response: The Board agrees with the finding. We note that the monies to pay for psychotropic medication is paid from a funding source available to the Sheriff. The Sheriff has stated that the funding used is the Inmate Welfare fund. We also note that the use of Inmate Welfare funds is allowable to augment those required county expenses, including medical expenses, as determined by the Sheriff.

Grand Jury Finding 5 The jail allows each inmate one visiting hour per week (the state minimum). Six counties allow two to four hours per week.

County Sheriffs Department Response: The respondent disagrees partially with the finding. It is true the state minimum is one hour of visiting per week, but male and female inmates housed on the Honor Farms are allowed three hours of visiting per week. Special visits and other accommodations are made for special circumstances which includes extending visiting time periodically. The six counties, out of the 58 counties in California, that do allow two to four hours per week are able to do so because of the lay-out of the facility, inmates are allow to "self-escort" from the housing unit to visiting, visitors are required to pre-register, visiting is by appointment only, use of temporary employees, and inmates must be in custody for 72 hours in order to receive a visit.

Board of Supervisors Response: Based upon the response submitted to by the Sheriff, the Board partially disagrees with the recommendation for the reasons stated in the Sheriff's response.

Grand Jury Finding 6 A law library is available for inmate use. All other reading material is limited to about 100 old, worn books.

County Sheriffs Department Response: The respondent disagrees with the finding. The law library is available for inmates to use, but the Jail has approximately 1,928 reading books available for the inmates to read in their housing units. In addition to books, inmates may subscribe to newspapers and magazines.

Board of Supervisors Response: Based upon the response submitted to by the Sheriff, the Board disagrees with the recommendation for the reasons stated in the Sheriff's response.

Grand Jury Finding 7 In the past three years, the number of chaplain volunteers has declined from 30 to fewer than 10.

County Sheriffs Department Response: The respondent disagrees with the finding. As of June 04, 2003, the Jail has 22 chaplain volunteers.

Board of Supervisors Response: Based upon the response submitted to by the Sheriff, the Board disagrees with the recommendation for the reasons stated in in the Sheriff's response.

RECOMMENDATIONS (SAN LUIS OBISPO COUNTY JAIL)

Grand Jury Recommendations 1 At the time of booking, have each inmate sign his or her copy of *Inmate Rules*

County Sheriffs Department Response: The recommendation will not be implemented because it is not warranted. When an inmate is dressed-out and housed, they receive a copy of Inmate Rules and are told they are responsible to read and understand those rules. They are also told if they don't understand the Inmate Rules, they are to ask a Officer. Having the inmate sign for the Inmate Rules will not guarantee they will read the Inmate Rules.

Board of Supervisors Response: Based upon the response submitted to by the Sheriff, the Board does not agree with the recommendation. The Sheriff's response identifies that it is the inmate's responsibility to review the Inmate Rules. Furthermore, requiring the inmate to sign the rules carries the implication that jail staff will maintain the inmates signed copy. This increases the paperwork burden on jail staff without any substantive return.

Grand Jury Recommendations 2 Turn off the TV during the hours that exercise yards are open, and encourage inmates to take part in available educational programs.

County Sheriffs Department Response: The recommendation will not be implemented because it is not warranted. We do not force the inmates to exercise, but when the exercise yards are open, most inmates do take advantage of this opportunity. The jail does encourage inmates to take part in available educational programs. Flyers are posted in housing units and other areas of the jail to let the inmates know what educational programs are available, and the Inmate Rules are being revised to include the different educational programs.

Board of Supervisors Response: Based upon the response submitted to by the Sheriff, the Board partially disagrees with the recommendation for the reasons stated in the Sheriff's response.

Grand Jury Recommendations 3 Adopt the policy now being developed by the Mental Health/Criminal Justice Task Force designed to treat mental problems before, during, and after involvement in the criminal justice system.

County Sheriffs Department Response: The recommendation requires further analysis. It is Mental Health Services' responsibility to treat mental health problems before, during, and after involvement in the criminal justice system, not the Jail. Once the Mental Health/Criminal Justice Task Force makes it's final recommendations, the jail will work in conjunction with County Mental Health to support those goals. To adopt policies that do not currently exist would be premature. Should the policy be completed by the outside agency within six months, the policy will be reviewed for adoption.

Board of Supervisors Response: Based upon the response submitted to by the Sheriff, the Board partially disagrees with the recommendation for the reasons stated in the Sheriff's

response. The Mental Health Task recommendation regarding policy changes is expected to bring policy recommendations to the Board of Supervisors late this year or early in 2004.

Grand Jury Recommendations 4 The Department of Mental Health Services should pay for psychotropic medications administered by the jail staff.

County Sheriffs Department Response: The recommendation will not be implemented by the Sheriff's Department as it is a matter for Mental Health to address. It is Mental Health Services' responsibility to pay for these medications. Unfortunately, because of budget constraints, Mental Health Services can not afford the needed medications. By working in conjunction with Mental Health Services, the Jail is working to lower the recidivism rate and improve inmate health on an interim basis. The providing of these drugs is a County Jail program created to help inmates transition back into the community.

Board of Supervisors Response: The Board does not agree with this recommendation. As identified in our response to Finding Number 4, the Sheriff identifies the Inmate Welfare Fund as the source of funding for psychotropic drugs. The Inmate Welfare fund is derived from the proceeds associated with telephone charges and the sale of candy and other items to inmates. The profits from these commercial activities can be used for programs that benefit the inmates at the jail. While Inmate Welfare funds cannot be used to replace all of the County's costs for providing medical care to inmates, they can be used to augment medical services to inmates. Shifting the cost of these drugs to the Behavioral Health department would result in using General Fund dollars to pay for the costs of the drug and would reduce the amount of funding available for other mental health services. The use of Inmate Welfare funds appears appropriate as the benefits go to the inmates who generate this money. It is also important to note that Inmate Welfare funds can supplement, but not replace all of the County's costs associated with the provision of medical care to inmates.

We agree with the Sheriff's comments regarding the collaboration that exists between Mental Health Services and the Sheriff department. This type of collaboration helps to achieve the goal of decreased recidivism.

Grand Jury Recommendations 5 Increase inmate visiting time per week.

County Sheriffs Department Response: This recommendation will not be implemented because it is not reasonable. The lack of staffing, facility lay-out, Jail and Officer security (not permitting inmates to "self-escort"), do not allow us to increase visiting time beyond the already-scheduled times.

Board of Supervisors Response: Based upon response submitted to by the Sheriff, the Board disagrees with the recommendation for the reasons stated in the Sheriff's response.

Grand Jury Recommendations 6 Find sources of worthwhile free reading (for example, library book sales).

County Sheriffs Department Response: This recommendation has been implemented. Once a year, "Friends of the Library" will donate to the jail approximately 200 reading books. Also, the jail accepts reading books from individuals who wish to donate them to the jail.

Board of Supervisors Response: The Board agrees with this recommendation. This recommendation is already being implemented and we acknowledge the role played by individuals and groups, such as "Friends of the Library" who donate reading materials to the jail.

Grand Jury Recommendations 7 Require the jail chaplain to spend a minimum number of hours per week in the jail and that he recruit more volunteers.

County Sheriffs Department Response: This recommendation will not be implemented because it is not reasonable. Ministry volunteers are volunteers. As such, the Jail cannot force them spend a minimum number of hours per week in the Jail. The chaplains are self motivated to spend as much time in the jail as they can. The jail chaplains are currently recruiting three more volunteers to bring the total number of volunteers to 25. The chaplains understand that if additional volunteers over the number of 25 are needed, the jail will support that number.

Board of Supervisors Response: Based upon the response submitted to by the Sheriff, the Board disagrees with the recommendation for the reasons stated in the Sheriff's response. We further note that placing time requirements upon volunteers can result in the opposite of the desired effect. Volunteers that currently provide some level of support for the program may feel that they cannot commit to the required minimum. This may result in some volunteers ceasing participation altogether.

SAN LUIS OBISPO COUNTY JUVENILE COURT DIVISION

The San Luis Obispo County Board of Supervisors is required to respond to all findings and recommendations. The San Luis Obispo Juvenile Court Division is required to respond to all findings and recommendations.

Grand Jury Finding 1 Juvenile Court, a division of the State Superior Court, occupies rooms comprising part of the county-owned Juvenile Services Center on Kansas Avenue northwest of San Luis Obispo.

County Probation Response: The Probation Department concurs with this finding.

Board of Supervisors Response: Board Response to Findings Numbers 1 through 9 and 11 and 12. Based upon the response from the Chief Probation Officer, the Board agrees with these findings.

Grand Jury Finding 2 The courtroom used by the Juvenile Court is half as big as the courtrooms in the county courthouse.

County Probation Response: The Probation Department concurs with this finding.

Grand Jury Finding 3 A set of double doors is the only point of public access and egress from the courtroom. During court proceedings, officials of the court, county welfare personnel, clients and their lawyers, and visitors continually use these doors without screening for weapons.

County Probation Response: The Probation Department concurs with this finding.

Grand Jury Finding 4 The Juvenile Court judge or commissioner hears dependency and juvenile court cases in this courtroom. The cases include child custody disputes and allegations of child abuse.

County Probation Response: The Probation Department concurs with this finding.

Grand Jury Finding 5 A bailiff, who is a member of the County Sheriff's Department, provides courtroom security. The court pays the bailiff's salary.

County Probation Response: The Probation Department concurs with this finding.

Grand Jury Finding 6 The armed bailiff stations himself inside the courtroom at a desk near the presiding judge or commissioner.

County Probation Response: The Probation Department concurs with this finding.

Grand Jury Finding 7 The public accesses the courtroom via the outside doors at the east end of the Juvenile Services Center and the court lobby leading to the unlocked double-door courtroom entrance.

County Probation Response: The Probation Department concurs with this finding.

Grand Jury Finding 8 In a juvenile court case involving gang activity about two years ago, the court employed additional sheriff's deputies and a portable metal detector to enhance building and courtroom security.

County Probation Response: The Probation Department concurs with this finding.

Grand Jury Finding 9 The east entrance and court lobby also provide public access to other court offices as well as offices and restrooms used and maintained by the Probation Department.

County Probation Response: The Probation Department concurs with this finding.

Grand Jury Finding 10 A 2002 state law [SB 1732 (Escutia)– Chapter 1082, Statutes of 2002] requires the transfer of all superior court facilities from county to state ownership by 2007.

- Where court facilities are an integral part of larger non-court related facilities, as is the case with the Juvenile Court in the county, the law calls for tenancy agreements between the county and the courts.
- The law provides that physical improvements required by the court in facilities covered by tenancy agreements be designed and funded by mutual agreement between the Findings parties.
- The law does not spell out the exact form of such tenancy, and design and funding agreements.

County Probation Response: The Probation Department concurs with this finding.

Board of Supervisors Response: The Board partially agrees with this finding. We note that Finding Number 10 identifies that the 2002 state law (SB 1732 Chapter 1082, Statutes of 2002) requires the transfer of superior court facilities from county to state ownership may occur by 2007. The law does not require the transfer of facilities, but rather establishes the time frame and processes through which the negotiations and evaluation of conditions for such transfers are to take place. The County is working with the California State Association of Counties to develop the forms and processes outlined in the law. There are specific steps that must be followed as part of the negotiations that will identify which facilities will be transferred and the conditions associated with transfer of facilities. The County will pursue transfer of facilities through this negotiation process and attempt to reach a mutually agreeable set of conditions for the transfers. It should be noted that facilities with a debt load may not be transferred in title until the debt is retired or the revenue stream that provides the debt payment is also transferred.

Grand Jury Finding 11 The County Probation Department has requested funding to remodel and add on to the Juvenile Services Center to provide (1) secure access for bookings to the juvenile hall and (2) a separate secure entrance for adults (as parents or witnesses) brought in custody to the Juvenile Court.

County Probation Response: The Probation Department concurs with this finding.

Grand Jury Finding 12 Current plans have prisoners and minors involved in criminal proceedings using the new secure access route, while those involved in civil proceedings in Juvenile Court or visiting adjacent court and Probation Department offices continue to use the existing route through the court lobby.

County Probation Response: The Probation Department concurs with this finding.

RESPONSES TO RECOMMENDATIONS

Grand Jury Recommendation: 1 As an essential feature of its tenancy agreement with the court, the County Probation Department should include provision for enhanced screening of visitors for weapons to the Juvenile Court accessing the courtroom via the court lobby of the Juvenile Services Center.

A metal detector entails a relatively modest investment at a cost of about \$5,000. The most significant screening station cost would be the salary of the station attendant. As the principal beneficiary of the enhanced security such a station would provide, the court should bear the bulk of the expense, including salaries.

County Probation Department Response: The Probation Department concurs that having the availability of a metal detector would provide enhanced screening of visitors for weapons to the Juvenile Court. As stated, although the metal detector itself is relatively inexpensive, however, the cost of staffing the detector is significant. The Probation Department will enter into discussions with the Court regarding this added security and funding options that may be available.

Recognizing The ongoing public safety needs in our county, the Probation Department is in full concurrence with the recommendations relating to the Juvenile Services Center.

Board of Supervisors Response: The recommendation is the responsibility of the Court to implement. Government code section 69921.5 states,

"The duties of the presiding judge of each superior court shall include the authority to contract, subject to available funding, with a sheriff or marshal, for the necessary level of law enforcement services in the courts. "

THE PRECEDING SECTION WAS INCLUDED IN THE SUPERIOR COURT LAW ENFORCEMENT ACT OF 2002. THE RESPONSIBILITY FOR COURT SECURITY RESTS WITH THE COURT. THE COUNTY SHERIFF CURRENTLY PROVIDES SECURITY TO THE SUPERIOR COURT THROUGH AN AGREEMENT IN WHICH A SPECIFIED NUMBER OF SHERIFF DEPUTIES ARE ASSIGNED TO THE COURT FOR BAILIFF AND SECURITY SERVICES. IN RETURN, THE SUPERIOR COURT AGREES TO PAY THE COST OF STAFF AND EQUIPMENT FOR SUCH SERVICES. GOVERNMENT CODE SECTION 69927 (A) (3) ADDRESSES ALLOWABLE EQUIPMENT COSTS THAT CAN BE INCLUDED IN THE COSTS TO BE PAID BY THE SUPERIOR COURT. THIS SECTION STATES,

"69927. (a) (3) "Allowable costs for equipment, services, and supplies,"as defined in the contract law enforcement template, means the purchase and maintenance of security screening equipment and the cost of ammunition, batons, bulletproof vests, handcuffs, holsters, leather gear, chemical spray and holders, radios, radio chargers and holders, uniforms, and one primary duty sidearm."

Although the costs associated with making improvements to the security of the Juvenile Court rests with the Court, the Board has elected to implement several improvements to the Juvenile Hall that will have the concurrent benefit of improving security to the Juvenile Court. The 2003-2004 fiscal year budget includes over \$1.8 million for making improvements to the Juvenile Hall. Included in this are changes to the entry and waiting areas associated with the Juvenile Court. The overall effect will be to increase separation of the public into more secure areas and provide additional limitations on access to the Juvenile Court.

The Board does not envision problems implementing the recommendation provided that the Superior Court funds the staff and equipment costs associated with the recommendation.

**SAN LUIS OBISPO COUNTY RESPONSE TO 2002-2003 GRAND JURY REPORT RALCCO RECYCLING
SITE IN NIPOMO**

The San Luis Obispo County Board of Supervisors is required to respond to all findings and recommendations. The San Luis Obispo County Public Health Agency, Environmental Health Division is required to respond to all findings and to recommendations.

Grand Jury Finding 1 There has been no recycling at the site since early October 2001, according to RALCCO's owner and as he notified the California Department of Conservation on October 15, 2001.

Department Response: Finding unknown to the respondent.

Board of Supervisors Response: The Public Health Department has not been able to obtain or confirm the existence of the notification referenced in the finding. Therefore, the Board is unable to agree or disagree with this finding.

Grand Jury Finding 2 In a letter to the CIWMB dated March 17, 2003, Environmental Health stated that "large volumes of solid waste, construction, demolition debris, cardboard, paper, and plastic" are present on the site.

Department Response: The respondent agrees with the finding.

Board of Supervisors Response: The Board of Supervisors agrees with this finding.

Grand Jury Finding 3 Visual evidence confirmed that statement.

Department Response: The respondent agrees with the finding.

Board of Supervisors Response: The Board of Supervisors agrees with this finding.

Grand Jury Finding 4 The director of Environmental Health stated in September 2002 that the RALCCO problem fell into the third and lowest priority of nuisance complaints and did not represent a threat to public health.

Department Response: The respondent agrees with the finding. Based on the information at the time, the RALCCO complaint was placed into the third priority of nuisance complaints. It is essential for Environmental Health to prioritize its workload because the workload exceeds the available person hours. The two higher priorities are: (1) issues of public health significance and (2) state mandated inspections and permitting requirements. In June 2002, the primary person assigned to the solid waste program left for another job and we were forced to further prioritize our workload. We placed RALCCO into this third priority level, believing that it posed a low threat to public health and was primarily a nuisance.

Board of Supervisors Response: The Board of Supervisors agrees with this finding, and acknowledges the following clarification. According to Environmental Health's director, based

on the information the Department had at the time, the RALCCO complaint was placed into the third priority of nuisance complaints. Environmental Health's workload priorities are categorized into three levels: (1) issues of public health significance (2) state mandated inspections and permitting requirements (3) nuisance complaints and other non-significant public health issues and non-mandated assignments. In June 2002, the primary person assigned to the solid waste program left for another job and the department, believing that RALCCO posed a low threat to public health and was primarily a nuisance, placed this into the third priority level.

Grand Jury Finding 5 In its March 17 letter to CIWMB, the agency characterizes the site as a "threat to public health and safety" because of fire hazard and the danger to trespassers.

Department Response: As my comment to finding (4) states, we placed RALCCO into third priority level believing it posed a low threat to public health and was primarily a nuisance. That opinion remained until a site in the Central Valley {referred to as the Archie Crippen Site) that contained construction and demolition debris spontaneously caught fire in January 2003. Environmental Health, as well as the State, was unaware of the potential for this type of material to catch fire spontaneously. Environmental Health reassessed the RALCCO site after hearing about the Crippen site during a joint inspection with the State on March 11, 2003. The RALCCO site does not have the same set of circumstances. The Crippen site has 100,000 cubic yards of debris accumulated over many years. The RALCCO site has 2500 cubic yards of debris accumulated over a period of about one to two years. To be on the safe side, Environmental Health, in consultation with the State, decided the site posed a fire safety risk and therefore a risk to public health and safety.

Board of Supervisors Response: The Board of Supervisors agrees with this finding and acknowledges the clarifications provided in the response prepared by the Director of Environmental Health. The RALCCO site was reassessed after new information was received about the potential for fire hazard at recycling facilities. Based on the lessons learned from another site in the central valley in March 2003, Environmental Health, in consultation with the State, reevaluated the RALCCO site and determined it could pose a fire safety risk and therefore a risk to public health and safety.

Grand Jury Finding 6 The Stipulated Order dated November 4, 1999, to which the owner of the business agreed, requires the processing of recyclable material at the site within five days of receipt and prohibits storing such material for more than 60 days.

Department Response: The respondent agrees with the finding. The Stipulated Order was dated October 15, 1999 and signed on November 4, 1999.

Board of Supervisors Response: The Board of Supervisors agrees with this finding. The Stipulated Order was dated October 15, 1999 and signed on November 4, 1999.

Grand Jury Finding 7 The Order applies "in perpetuity" and commits Environmental Health to "immediately proceed with regulatory actions" in the event of non-compliance.

Department Response: The respondent disagrees partially with the finding. The Order permits Environmental Health to proceed with regulatory actions; it does not commit Environmental Health to proceeding with regulatory actions. If Finding (1) is correct, the Stipulated Order continued to be effect until October 2001 when RALCCO ceased recycling operations.

Board of Supervisors Response: The Board of Supervisors disagrees partially with the finding. The Stipulated Order issued to RALCCO by Environmental Health permits Environmental Health to "immediately proceed with appropriate regulatory actions" in the event of non-compliance. The Order permits Environmental Health to proceed with regulatory actions; it does not commit Environmental Health to proceeding with regulatory actions. Environmental Health did take the appropriate regulatory action based on the situation at the RALCCO site at that time. If finding (1) is correct, the Stipulated Order continued to be in effect until October 2001 when RALCCO ceased recycling operations.

Grand Jury Finding 8 Environmental Health notified RALCCO on November 17, 2000, that it was in compliance, but in July 2001 found the company out of compliance.

Department Response: The respondent partially disagrees with finding. Environmental Health issued a Notice and Order to RALCCO on January 25, 2000 for failure to comply with the Stipulated Order dated October 15, 1999. On January 31, 2000 Environmental Health entered into an agreement to extend the January 25 Notice and Order. On April 3, 2000 a letter informing the owner that he was in compliance with the Stipulated Order was sent. Throughout the evaluation period numerous inspections were conducted to check accumulation of materials on site and check weekly reports on waste residuals. This resulted in a letter of compliance with the Stipulated Order dated November 17, 2000. Based on a complaint to Environmental Health, we responded on July 2, 2001, pictures were taken, and a letter was sent to the owner on July 12, 2001 informing him that the site conditions were creating a public nuisance.

Board of Supervisors Response: The Board of Supervisors disagrees partially with finding. Environmental Health issued a Notice and Order to RALCCO on January 25, 2000 for failure to comply with the Stipulated Order dated October 15, 1999. On January 31, 2000 Environmental Health entered into an agreement to extend the January 25, 2000 Notice and Order. On April 3, 2000 a letter informing the owner that he was in compliance with the Stipulated Order was sent. Throughout the evaluation period numerous inspections were conducted to check accumulation of materials on site and check weekly reports on waste residuals. This resulted in a letter of compliance with the Stipulated Order dated November 17, 2000. Based on a complaint to Environmental Health, Environmental Health responded on July 2, 2001, took pictures of the site, and as a result of that inspection a letter was sent to the owner on July 12, 2001 informing him that the site conditions were creating a public nuisance.

Grand Jury Finding 9 Subsequent to the stipulated order, Environmental Health issued five separate additional notices of violations and/or orders beginning in January 2000 and ending with the Notice and Order of March 10, 2003. The latter order carries with it prospective fines for failure to comply.

Department Response: The respondent agrees with the finding.

Board of Supervisors Response: The Board of Supervisors agrees with this finding.

Grand Jury Finding 10 More than a year passed between the July 2001 Notice of Violation and the Notice to Remove of November 12, 2002.

Department Response: The respondent partially disagrees with the finding. It is agreed that more than a year passed between violations/orders dated July 2001 and November 12, 2002. The implication is that Environmental Health did not respond to the RALCCO facility. The RALCCO facility is not a solid waste facility under State law and therefore is not subject to regulation/inspections. We respond to these types of operations on a complaint basis. We were informed about the construction and demolition debris and other recyclable materials accumulating on the site again in May 2002. We initially conducted a site investigation in June 2002. The staff person assigned to the solid waste program left county employment on June 12, 2002. We further prioritized our workload and reassigned existing staff that had experience in solid waste. The reassigned staff began in early November 2002 and on November 12, 2002 he conducted a site inspection. We issued a Notice to Remove on November 12, 2002.

Board of Supervisors Response: The Board of Supervisors agrees with this finding, and acknowledges the following clarification. It is agreed that more than a year passed between violations/orders dated July 2001 and November 12, 2002. However, the RALCCO facility is not a solid waste facility under State law and therefore is not subject to regulation/inspections. Environmental Health responds to these types of operations on a complaint basis. Environmental Health was informed about the construction and demolition debris and other recyclable materials accumulating on the site again in May 2002. Environmental Health conducted a site investigation in June 2002. Unfortunately due to staff turnover and a reassignment of prioritized duties another inspection was not conducted until November 12, 2002. Environmental Health issued a Notice to Remove immediately following the inspection on November 12, 2002.

Grand Jury Finding 11 The director of Environmental Health stated in September 2002 that a staffing problem and the low priority his office assigned to the RALCCO problem accounted for delays in addressing that problem.

Department Response: The respondent agrees with the finding. See response to conclusions (Condition of the Site) above.

Board of Supervisors Response: The Board of Supervisors agrees with this finding but would like to add the following clarification. The staff person assigned to the solid waste program left County employment on June 12, 2002. That vacancy continues today because of uncertainties with who will be implementing the solid waste program in the future. Environmental Health further prioritized their workload and reassigned existing staff that had experience in solid waste. While other work in the solid waste program continued, the newly reassigned staff began in early November 2002. See response to Finding Number 4 regarding the priority given to the RALCCO site.

Grand Jury Finding 12 The law provides that the Department of Health is responsible for the removal of solid waste from private property.

Department Response: The respondent wholly disagrees with the finding. The Department of Health (public Health Department) is not responsible for the removal of solid waste from private property. That is the responsibility of the property owner. The Department is authorized to effectuate the removal of accumulated solid waste that constitutes a nuisance pursuant to County Code §8.12.930.

Board of Supervisors Response: The respondent disagrees with the finding. The Public Health Department is not responsible for the removal of solid waste from private property. The removal of solid waste from private property is the responsibility of the property owner. The Department is authorized to effectuate the removal of accumulated solid waste that constitutes a nuisance pursuant to County Code § 8.12.930.

Grand Jury Finding 13 The owner of RALCCO has informed the Grand Jury and Environmental Health that financial difficulties made it impossible to comply with the orders issued prior to the March 10 order. He has filed a plan for compliance with the latter order.

Department Response: The respondent agrees with the finding.

Board of Supervisors Response: The Board of Supervisors agrees with this finding.

Grand Jury Finding 14 The California Department of Toxic Substances Control (DTSC), in response to an anonymous allegation that two drums of toxic waste had been buried at the site, conducted a magnetometer survey and took soil samples on October 28, 1998.

Department Response: The respondent agrees with the finding.

Board of Supervisors Response: The Board of Supervisors agrees with this finding.

Grand Jury Finding 15 According to the Director of Environmental Health, the samples indicated levels of lead and zinc above regulatory limits, but not to a degree dangerous to public health as long as the site remained in its current use. He understood the magnetometer survey to have been inconclusive.

Department Response: The respondent agrees with the finding.

Board of Supervisors Response: The Board of Supervisors agrees with this finding.

Grand Jury Finding 16 Environmental Health requested permission on August 3, 1999, to excavate portions of the site as a follow-up to the DTSC investigation. RALCCO did not grant permission, asserting that the disruption and digging involved would seriously damage its ongoing business.

Department Response: The respondent agrees with the finding.

Board of Supervisors Response: The Board of Supervisors agrees with this finding.

Grand Jury Finding 17 In August 2002, the director of Environmental Health consulted the county counsel on that refusal and determined that there was insufficient evidence to seek an administrative search warrant in order to enter the property.

Department Response: The respondent partially disagrees with the Finding. Environmental Health consulted with County Counsel's office on numerous occasions concerning the buried drums between August 1999 and October 1999. The decision that there was not sufficient evidence to require a search or administrative warrant was made in October 1999 not August 2002.

Board of Supervisors Response: The Board of Supervisors partially disagrees with the finding. Between August, 1999 and October, 1999 (rather than August, 2002, as stated in the Grand Jury Report), the Division of Environmental Health consulted with the Office of County Counsel on numerous occasions concerning an anonymous allegation that "two drums of toxic waste" had been buried at the RALCCO site. The Division of Environmental Health explained that the California Department of Toxic Substances Control (DTSC) had conducted a magnetometer survey and had taken soil samples, but that the survey and samples did not reveal evidence of buried drums. The Division of Environmental Health further explained that there were no witnesses to verify that drums had actually been buried, that the allegation was based on an anonymous informant whose identity could not be verified, that the RALCCO owners denied the existence of the alleged buried drums, and that RALCCO refused to grant permission or cooperate in digging up the property to search for the alleged drums. The Office of administrative inspection and search warrants. It was County Counsel's opinion that Environmental Health did not have a sufficient legal basis to obtain either an inspection or a search warrant.

Grand Jury Finding 18 The manager of the Integrated Waste Management Authority (IWMA), who received and reported the allegation of buried drums, continues to believe it should be investigated.

Department Response: The finding is unknown to the respondent

Board of Supervisors Response: The Board of Supervisors cannot make a determination about this finding as it relates to statements allegedly made to the Grand Jury by the manager of an independent governmental organization.

Grand Jury Finding 19 Representatives of the CIWMB inspected the site on March 11, 2003, in connection with a review of landfills and other waste sites that might represent a fire hazard.

Department Response: The respondent agrees with the finding.

Board of Supervisors Response: The Board of Supervisors agrees with this finding.

Grand Jury Finding 20 As a result of the inspection, Environmental Health requested that the board provide funds from the Solid Waste Disposal and Co-disposal Site Cleanup Program (Assembly Bill 2136) for the removal of the material stored at the RALCCO site.

Department Response: The respondent agrees with the finding.

Board of Supervisors Response: The Board of Supervisors agrees with this finding.

responses to recommendations

(Ralcco Recycling)

Grand Jury Recommendations 1 Environmental Health should take whatever measures necessary to assure a prompt cleanup of the site, regardless of how the CIWMB decides on its request for funds.

Environmental Health Services Response: The recommendation requires further analysis. The latest information from the CIWMB is that the cleanup is on schedule to begin the summer of 2003. If for some reason, it does not come to pass, Environmental Health will consider pursuing summary abatement as outlined in the San Luis Obispo County Code. Funding to pay for the cost of the cleanup will have to be approved by the county Board of Supervisors.

Board of Supervisors Response: The recommendation requires further analysis. The latest information from the CIWMB is that cleanup by the landowner is scheduled to begin the first week of August 2003. CIWMB has a site visit planned for August 6, 2003 to assess the situation. CIWMB plans to begin their cleanup of the site in September 2003, in the event the landowner does not adequately complete the scheduled cleanup.

Grand Jury Recommendations 2 If RALCCO is unable to comply fully with the Order of March 10, 2003, the agency should consult with the County Counsel on what further legal action may be feasible.

Environmental Health Services Response: The recommendation is in the process of being implemented. The RALCCO owner has removed some of the accumulated debris and vehicles. What is not cleaned up by RALCCO will be cleaned up by CIWMB in the summer of 2003.

Board of Supervisors Response: The recommendation to consult with County Counsel has been implemented. The RALCCO owner has removed some of the accumulated debris and vehicles. What is not cleaned up by RALCCO will be cleaned up by CIWMB in Fall 2003. The Office of County Counsel will continue to provide legal counsel to the Division of Environmental Health regarding the RALCCO matter.

County Counsel Response: The recommendation has been implemented.

Grand Jury Recommendations 3 Environmental Health should make another effort to investigate on site the allegation of buried drums. Now that RALCCO is no longer operating the facility, excavation can take place without damage to an ongoing business. The agency should request permission for excavation on that basis.

Environmental Health Services Response: The recommendation requires further analysis. Environmental Health will consult with County Counsel's office on the best course of action to further investigate the site to determine if drums have been buried. Environmental Health will again request permission for excavation following cleanup of the site by CIWMB.

Board of Supervisors Response: The recommendation requires further analysis. After the scheduled Summer 2003 cleanup, Environmental Health will consult with County Counsel's office on the best course of action to further investigate the site to determine if drums have been buried. As previously stated in response to Finding 17, the California Department of Toxic Substances Control (DTSC) has previously conducted a magnetometer survey and took soil samples, but that the survey and samples did not reveal evidence of buried drums. Environmental Health will again request permission for excavation following cleanup of the site by CIWMB.

County Counsel Response: The recommendation requires further analysis. Environmental Health will consult with County Counsel's office on the best course of action to further investigate the site to determine if drums have been buried. Environmental Health will again request permission for excavation following cleanup of the site by CIWMB.

Grand Jury Recommendations 4 The Integrated Waste Management Authority should respond to these recommendations if, as has been proposed, it takes over Environmental Health's responsibilities for the regulation of solid waste.

Environmental Health Services Response: As of September 10, 2003, the Integrated Waste Management Authority has not taken over Environmental Health's responsibility for the regulation of solid waste, thus it is not appropriate to respond to the recommendations. If in the future, the Integrated Waste Management Authority takes over Environmental Health's responsibility for the regulation of solid waste, the Integrated Waste Management Authority will perform its duties required of a Local Enforcement Agency pursuant to the Integrated Waste Management Act.

Board of Supervisors Response: The Board of Supervisors is not required to respond to Recommendation No. 4.

FURTHER GRAND JURY FINDINGS AND RECOMMENDATIONS

Further Grand Jury Finding and Recommendation: 4 The Integrated Waste Management Authority should respond to these recommendations if, as has been proposed, it takes over Environmental Health's responsibilities for the regulation of solid waste.

Integrated Waste Management Authority Response: As of September 10, 2003, the Integrated Waste Management Authority has not taken over Environmental Health's responsibility for the regulation of solid waste, thus it is not appropriate to respond to the recommendations. If in the future, the Integrated Waste Management Authority takes over Environmental Health's responsibility for the regulation of solid waste, the Integrated Waste Management Authority will perform its duties required of a Local Enforcement Agency pursuant to the Integrated Waste Management Act.

Further Grand Jury Finding: 17 In August 2002, the director of Environmental Health consulted the County Counsel on that refusal and determined that there was insufficient evidence to seek an administrative search warrant in order to enter the property.

County Counsel Response: Respondent Partially Disagrees With the Finding. Between August, 1999 and October, 1999 (rather than August, 2002, as stated in the Grand Jury Report), the Division of Environmental Health consulted with the Office of County Counsel on numerous occasions concerning an anonymous allegation that "two drums of toxic waste had been buried at the RALCCO site. The Division of Environmental Health explained that the California Department of Toxic Substances Control (DTSC) had conducted a magnetometer survey and had taken soil samples, but that the survey and samples did not reveal evidence of buried drums. The Division of Environmental Health further explained that there were no witnesses to verify that drums had actually been buried, that the allegation was based on an anonymous informant whose identity could not be verified, that the RALCCO owners denied the existence of the alleged buried drums, and that RALCCO refused to grant permission or cooperate in digging up the property to search for the alleged drums. The Office of County Counsel advised the Director of Environmental Health regarding the legal requirements for obtaining administrative inspection and search warrants. Under the circumstances, it was clear that the Environmental Health Division did not have a sufficient legal basis to obtain either an inspection or a search warrant.

SAN LUIS OBISPO COUNTY RISK MANAGEMENT DIVISION

The San Luis Obispo County Board of Supervisors is required to respond to all findings and recommendations. The San Luis Obispo County Risk Management is required to respond to all findings and recommendations.

Grand Jury Finding 1 Normal staffing consists of a risk manager, a workers' compensation coordinator, a safety officer, a benefits coordinator, and a confidential assistant.

Department Response: We agree with the finding.

Board of Supervisors Response: The Board agrees with Findings 1- 4. With regard to Finding No. 5, this issue will be reviewed as part of the County's established process for adding new positions.

Grand Jury Finding 2 Risk Management is responsible for the county's insurance, workers' compensation, safety, and employee benefits programs.

Department Response: We agree with the finding.

Grand Jury Finding 3 The office was without a permanent workers' compensation coordinator and a full-time safety officer for approximately three months.

Department Response: This was correct at the time of report publication. Please note, however, the safety officer position remains unfilled. Recruitment for the position is currently underway and a new safety officer should be on board by late summer.

Grand Jury Finding 4 Risk Management's budget for the current fiscal year, 2002-2003, is \$10.8 million. Its budget projection for 2003-2004 is over \$15 million.

Department Response: We agree with the finding. As a clarification, we note that the Grand Jury's 2003-04 budget figure reflects Risk Management's requested budget. The 2003-04 adopted budget is a little over \$14.9 million.

Grand Jury Finding 5 The risk manager states that her goal is a more proactive managerial role for the office as a means to greater efficiency and cost containment. She further states that one or two additional lower-level employees to assist with the paperwork would help her achieve that goal.

Department Response: We agree with the finding. Moving to a more proactive operation that effectively manages risk is a high priority to the Risk Manager. It's her position that this is the key to saving the county money and creating a safer environment for our employees and the public. To that end, the addition of staffing resources may greatly aide risk management's efforts to proactively manage the county's risks. It is also acknowledged that an evaluation process will be necessary as part of the deliberations on whether to add staff. The evaluation will include

determining whether funding is available, the cost effectiveness of staff additions and the overall result of adding staff.

Grand Jury Finding 6 Gallagher Bassett Services has been the third-party administrator since 1979.

Department Response: We agree with the finding.

Board of Supervisors Response: The Board agrees with the finding.

Grand Jury Finding 7 Gallagher Bassett processes the claims and notifies employees of their disposition.

Department Response: We agree with the finding.

Board of Supervisors Response: The Board agrees with the finding.

Grand Jury Finding 8 Gallagher Bassett won the most recent five-year contract in 1998 with the low bid for the first year's annual fee. In light of the sudden departure of the workers compensation coordinator, the risk manager extended the contract for a year with the approval of the Board of Supervisors.

Department Response: We agree with the finding.

Board of Supervisors Response: The Board agrees with the finding and acknowledges the Risk Manager's rationale for extending the contract.

Grand Jury Finding 9 The most recent outside audit of the processing of these claims found Gallagher Bassett performing effectively in the areas of investigation, decision making on compensation, communicating with claimants, and closing out cases.

Department Response: We agree with the finding.

Board of Supervisors Response: The Board concurs with the finding.

Grand Jury Finding 10 The audit found some areas for improvement. In the sample of cases checked, Gallagher Bassett made some payments inaccurately or in an untimely fashion. Reserves against projected future costs were not adequate in all cases. Gallagher Bassett paid some medical bills against the wrong files.

Department Response: We agree with the finding and note the risk manager and workers' compensation coordinator met with Gallagher Bassett staff in June of this year to review the results of the outside audit. A corrective plan of action has been put in place to respond to the key concerns identified in the audit.

Board of Supervisors Response: The Board agrees with the finding and acknowledges the Risk Manager's response stating a corrective plan of action has been put in place to address the issues in the finding.

Grand Jury Finding 11 The audit sample identified five out of ten claims that had been paid late. Of the claims paid late, the county averages 10 days to get the employer's report to Gallagher Bassett, which then averages another 9.8 days to issue the first payment or notice.

Department Response: We agree with the finding and note that Risk Management is working cooperatively with Gallagher Bassett to improve both our internal processes (i.e., we need to report more quickly; Gallagher Bassett needs to pay more quickly) so that we pay all claimants on time and avoid penalties. We will evaluate our progress in December of 2003 to insure that both the county and Gallagher Bassett are meeting our deadlines and paying our claimants on time.

Board of Supervisors Response: The Board agrees with the finding. The Risk Manager is working with Gallagher Bassett to make improvements.

Grand Jury Finding 12 California Labor Code Section 4652 requires issuing initial indemnity payment (or notice if there is no such payment) within 14 days of the first day of disability.

Department Response: We agree with the finding.

Board of Supervisors Response: The Board agrees with the finding.

Grand Jury Finding 13 The county paid \$11,860 in penalties to workers between July 2002 and March 2003

Department Response: We agree with the finding. As mentioned in the response to finding #11, we are working cooperatively with Gallagher Bassett to improve both our internal processes so that we pay all claimants on time and avoid penalties.

Board of Supervisors Response: The Board agrees with the finding.

Grand Jury Finding 14 Our examination of the records indicates some inconsistencies between the loss data Gallagher Bassett reported to the California State Association of Counties (CSAC) and to Risk Management.

Department Response: We agree with the finding and point out that during the course of their investigation, the Grand Jury found errors in the loss data transmitted electronically between Gallagher Bassett and CSAC-Excess Insurance Authority staff. Risk Management staff has brought this to the attention of the CSAC-Excess Insurance Authority staff and Gallagher Bassett and we believe the situation has been resolved.

Board of Supervisors Response: The Board agrees with the finding and acknowledges that the Risk Manager has worked with Gallagher Bassett and the situation is now resolved.

Grand Jury Finding 15 The county will seek proposals for the 2004-2009 contract next year.

Department Response: We agree with the finding.

Board of Supervisors Response: The Board agrees with the finding.

Grand Jury Finding 16 The county has an overall safety committee including representatives of five key departments: General Services, Sheriff-Coroner, Medical Services, Public Works, and Social Services.

Department Response: We partially agree with the finding. By ordinance, the county's Safety Commission is composed of the Ag Commissioner, Public Works, Medical Services, Public Health, Behavioral Health, General Services, Personnel, Probation, Sheriff-Coroner, Social Services, and an employee representative elected by county employees. Additionally, the Board chair and County Administrative Officer serve as ex-officio member. In actual practice, however, every county department is invited and encouraged to participate in Safety Commission activities. The departments identified above by the Grand Jury are those required to have their own "departmental" safety committees in addition to Safety Commission participation.

Board of Supervisors Response: The Board partially agrees with the finding and clarifies that by ordinance, the county's Safety Committee is composed of the Agricultural Commissioner, Public Works, Medical Services, Public, Health Behavioral Health, General Services, Personnel, Probation, Sheriff Coroner, Social Services and an employee representative elected by county employees. The Chairman of the Board of Supervisors and the County Administrative Officer serve as ex-officio members of the committee.

Grand Jury Finding 17 Representatives of four of the five departments told us that they made use of various training aids in preparing for their responsibilities. However, none had received formal training.

Department Response: We partially agree with the finding. Lack of a formal safety training program has been a long standing concern of Risk Management. Therefore, one of the goals of the new safety officer will be to work cooperatively with the safety commission to establish a formal training program for all commissioners.

Board of Supervisors Response: The Board agrees with the finding, with the above noted clarification regarding the number of departments represented on the Safety Committee.

Grand Jury Finding 18 The California Office of Environmental Health and Safety (CAL/OSHA) offers a wide variety of training classes in Sacramento and at other locations.

Department Response: We agree with the finding.

Board of Supervisors Response: The Board agrees with the finding

RECOMMENDATIONS (SLO COUNTY RISK MANAGEMENT)

Grand Jury Recommendations 1 The county should assign a high priority to recruiting and training qualified individuals for the two positions.

Department Response: The recommendation will be implemented. Every effort will be made to get the workers' compensation coordinator and safety officer up to speed within the calendar year.

Board of Supervisors Response: This recommendation addresses the Workers' Compensation Claims Coordinator and Safety Officer positions. The former position has now been filled and the recruitment for the Safety Officer position is underway.

Grand Jury Recommendations 2 The risk manager should prepare a detailed justification for adding one or two clerical employees, including specifics on how she and her subordinates would make use of the time saved from paperwork.

Department Response: The recommendation has not yet been implemented and requires additional analysis. It is the risk manager's position that the division could operate more cost-effectively with one or two additional staff members. At the same time, however, we recognize that many other county departments have just as great a need for additional resources. Further, we recognize that with the State budget deficit looming on the horizon the Board of Supervisors will be hard pressed to add staff at this time. Therefore, while it is Risk Management's desire to pursue additional staffing, no proposal will be forthcoming until it can be demonstrated in measurable terms that this would be a cost-effective investment for the County. The analysis will be completed by the end of 2003.

Board of Supervisors Response: The recommendation will require further analysis. The County has an existing process for requesting and evaluating the allocation of new staff. The Risk Manager will weigh all of the factors involved with making the recommendation, including cost effectiveness, the results associated with implementing the recommendation as well as alternatives to the recommendation. The Risk Manager will complete the analysis within the current calendar year. The Administrative Office will evaluate the analysis for cost effectiveness and identify whether - and when - the current fiscal situation would allow for consideration of a request for new staff. Any recommendation for increased staffing will be made to the Board of Supervisors. The Board will evaluate the proposal in light of the available financing, countywide staffing priorities and the results associated with a proposed increase in staff.

Grand Jury Recommendations 3 The county administrator should, if the justification makes sense, look at the possibility of shifting one or two clerical employees to Risk Management from other county departments. If that is not possible, he should consider recruiting from outside the county government. Salaries for two administrative assistant III positions would total \$62,064 plus benefits at step 5 of the wage scale. We estimate this expense at 0.5 percent of the total annual 2003-2004 budget.

Department Response: See the response to recommendation #2.

Board of Supervisors Response: The Recommendation will require further analysis. See response to Recommendation 2.

Grand Jury Recommendations 4 The county should make use of the months remaining before issuance of a new RFP to review Gallagher Bassett's performance in a systematic fashion, using the results of the audit as a starting point in developing criteria for the new RFP.

Department Response: The recommendation has not yet been implemented. We intend to use the audit as a tool to measure Gallagher Bassett's effectiveness and assist us with developing criteria for the upcoming RFP for third party a demonstration services in 2004.

Board of Supervisors Response: The recommendation has not yet been implemented but will be implemented by the Risk Manager prior to seeking proposals in 2004.

Grand Jury Recommendations 5 The county should, to the extent its regulations permit, give due weight to other factors as well as cost in considering the proposals for the 2004-2009 contract. Among those factors should be historical performance, the ratio of projected claims to examiners, and the experience levels of the examiners.

Department Response: The recommendation has not yet been implemented. We plan to look at a wide variety of performance factors, the goal of which will be to select a firm that can deliver the best results as part of the process to be done in 2004.

Board of Supervisors Response: The recommendation has not yet been implemented. The Board acknowledges that it is the Risk Manager's intent to implement the recommendation. It is expected that the implementation will take place in the current year.

Grand Jury Recommendations 6 Risk Management's next full-time safety officer should look into the possibility of formal training for the key members of the safety committee.

Department Response: The recommendation has not yet been implemented. As mentioned in the response to finding # 17, the new safety officer will be tasked with working with the safety commission to create a formal training program for all safety commission members. Funding for this effort can come out of the dollars set aside by the Board in the safety budget for creation of a safety academy. This will be done this year or early in 2004.

Board of Supervisors Response: The recommendation has not yet been implemented. The Risk Manager has stated that the new Safety Officer will be hired in the current calendar year and that the creation of a formal training program for Safety Commission members will be one of the tasks assigned to the new Safety Officer.

san luis obispo north county holding facilities

The San Luis Obispo County Board of Supervisors is required to respond to all findings and recommendations. The San Luis Obispo County Sheriff's Department is required to respond to all findings and recommendations.

Grand Jury Finding 1 Holding facilities exist at law enforcement agencies in the county to detain arrestees for up to six hours prior to their release, booking at the county jail on Kansas Avenue on the western end of San Luis Obispo, or appearance in court.

Department Response: The respondent agrees with the finding.

Board of Supervisors Response: The Board of Supervisors agrees with the finding.

Grand Jury Finding 2: In north county, the police departments of Paso Robles and Atascadero have holding facilities.

Department Response: The respondent agrees with the finding.

Board of Supervisors Response: The Board of Supervisors agrees with the finding.

Grand Jury Finding 3: The four law enforcement agencies in north county report the following statistics over the past two or three years:

- The Paso Robles Police Department (36 full-time officers) has averaged 24 bookings per month over the last three years at an annual cost of 720 hours. Average time spent per booking has been 2.5 hours. The roundtrip between Paso Robles and the county jail is 66 miles; between Paso Robles and Templeton, the roundtrip is 14 miles.
- The Atascadero Police Department (29 full-time officers) has averaged 31 bookings per month over the last three years at an annual cost of 558 hours. Average time spent booking has been 1.5 hours. The roundtrip between Atascadero and the county jail is 42 miles; between Atascadero and Templeton, the roundtrip is 10 miles.
- The sheriff's sub-station at Templeton (28 full-time officers) has averaged 38 bookings per month over the last two years at an annual cost of 684 hours. Average time spent booking has been 1.5 hours. The roundtrip between Templeton and the county jail is 52 miles.
- The Templeton office of the California Highway Patrol (CHP) also books arrestees at the county jail. The CHP (22 full-time officers) has averaged 30 bookings per month over the last three years at an annual cost of 540 hours. The average booking time and distance to the county jail are the same as those for the sheriff's sub-station.

Department Response: The respondent agrees with this finding. As the respondent can only agree or disagree with a finding, the respondent agrees, noting that the numbers provided by other agencies have not been verified. It is also noted that the number of bookings may not equate to an equal number of trips to the county jail as some trips may result in the booking of multiple arrestees.

Board of Supervisors Response: The Board of Supervisors agrees with the finding with the noted clarifications provided by the Sheriff in his response to the Grand Jury.

Grand Jury Finding 4: The chief of police of the Paso Robles Police Department and the sergeant in charge of Atascadero Police Department's holding facility said they favor changes to reduce the time lost in booking arrestees.

Department Response: The respondent agrees with this finding. Again, no steps have been taken to verify the statements, but it would be logical that the cities would support an action by the county that would favor the individual cities.

Board of Supervisors Response: The Board cannot make a determination about this finding as it relates to statements made by representatives of independent governmental organizations.

Grand Jury Finding 5: The Board of Supervisors has authorized the construction of a new sheriff's sub-station for north county in Templeton. As of the writing of this report, construction has not yet started.

Department Response: The respondent agrees with the finding.

Board of Supervisors Response: The Board agrees with this finding. The North County Sheriff substation was originally approved in the FY 2001-2002 budget. The budget appropriates \$1.4 million dollars toward work on the substation. Work on master planning the site to allow multiple uses (Ag Commissioner and others) is proceeding.

responses to recommendations

Grand Jury Recommendation: 1 The Board of Supervisors and the Sheriff's Department should add jail and booking facilities to the new authorized sheriff's sub-station in Templeton. This would allow the four law enforcement agencies to book arrestees in north county. We are not in a position to calculate the cost of building such a facility. But we believe that, in time, the facility will produce more than enough savings in time and vehicle expenses to compensate. The county might increase the current booking fee to offset some of the cost. The higher booking fee would still cost the agencies less than the time and expense of the drive to the main jail.

County Sheriff's Department Response: The recommendation will not be implemented because it is not reasonable. There are several issues involved in this one recommendation.

The first issue is the adding of a jail and booking facility at the new patrol station that has been approved as a capital project. This issue was addressed back in 1989-90. The county was proposing the construction of a North County Government Center to be located on county-owned property where the new patrol station is going to be built. This center was going to include some holding cells in conjunction with the new center. At least one North County city objected to placing the new center in Templeton and the plan was eventually shelved.

To place a jail and booking facility in the new patrol station would not be cost-effective. Not only would there be significant cost added for just the jail/booking facility, but the cost for the rest of the building would be significantly increased due to increased building code requirements due to the change in building use/classification. Added to the significant cost of a redesigned building would be the more significant and on-going costs of personnel. Depending upon the number of hours the jail facility would be staffed would determine personnel needs. Minimally, two to three hundred thousand dollars would be needed to staff the facility with two correctional hours four days a week for a year. These dollars would be better used increasing the patrol presence in the North County. With respect to raising booking fees to help with the building costs, this is not an allowable use for calculation of booking fees. Booking fees may not be collected to offset capital costs.

Board of Supervisors Response: The recommendation will not be pursued at this time. The proposed recommendation does not take into account the fiscal realities that local agencies, the County and cities, face with respect to budgetary constraints. The report suggests that construction of a north county holding facility would produce more than enough savings in time and vehicle expenses to compensate. We have not seen data which supports this statement. While we understand the sentiments behind the recommendation, the suggested implementation of such a recommendation has substantial budgetary implications. The Sheriff estimates to staff the facility at four days a week would cost two to three hundred thousand dollars per year. This does not take into account the additional staff that would be needed to accommodate the transport of prisoners to the main jail. The Sheriff also notes that the facility itself would have to undergo redesign that would substantially increase the original cost estimate.

Although no formal cost estimates have been developed, the County Department of General Services provided an estimate for the cost of construction at \$275/square foot. While this estimate would need to be refined if such facilities were to be considered, it is clear that the need to separate violent offenders, genders and the need to provide associated facilities required by Board of Correction standards could result in an addition of considerable size and cost.

While development of satellite jail facilities could have potential benefits to the cities, it is unlikely the cities would be able to afford the actual costs associated with operation and maintenance of this facility given the budgetary constraints they face. It may be less expensive for cities to hire additional police officers to offset the time lost transporting and booking suspects at the main jail. The Sheriff notes that the suggestion to raise booking fees as a means to help pay for the cost of such a facility is not feasible as such costs are not allowable in the formula to establish booking fees. The Board further notes that the state budget crisis has affected many aspects of local government. In other counties, closure of satellite jail facilities has or is planned to occur to reduce costs and balance available funding and expenses.

Grand Jury Recommendation: 2 If current budgetary problems prevent implementation of the first recommendation at least in the immediate future, the Sheriff's Department and the Board of

Supervisors should determine the feasibility of establishing a shuttle service (prisoner van) to pick up arrestees at the various holding facilities in north county for booking at the county jail.

The Sheriff's Department could offset the cost by charging a fee, based on mileage, for the shuttle service.

County Sheriff's Department Response: The recommendation will not be implemented because it is not reasonable.

This subject is much more complicated than running a shuttle service. The hours of operation will determine if existing vans could be used or if an additional van would be required. All transportation vans are currently in use during regular court hours. The two cities would be absorbing the full cost of the van use and staffing costs for the correctional officers driving the vans; the California Highway Patrol is a state agency and will not pay any portion of the transportation costs. Should the county subsidize the cost, other cities would request similar consideration.

Board of Supervisors Response: The recommended response will not be implemented. The Sheriff has identified that the issue raised by the recommendation is considerably more complex than simply running a shuttle service. Given the potential costs associated with the program, the current concerns related to loss of local funding associated with the state budget crisis, and the existence of a system that currently relies on the cooperative efforts of local law enforcement, the recommendation will not be pursued at this time.